

PART 678—ATLANTIC SHARKS**Subpart A—General Provisions**

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AUTHORITY: 16 U.S.C. 1801 *et seq.*

SOURCE: 58 FR 21944, Apr. 26, 1993, unless otherwise noted.

Subpart A—General Provisions**§ 678.1 Purpose and scope.**

(a) The purpose of this part is to implement the Fishery Management Plan for Sharks of the Atlantic Ocean (FMP) prepared by the Secretary of Commerce.

(b) This part governs conservation and management of sharks in the management unit.

§ 678.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meaning:

Charter vessel means a vessel less than 100 gross tons (90.8 metric tons) that meets the requirements of the Coast Guard to carry six or fewer passengers for hire and that carries a passenger for hire at any time during the calendar year. A charter vessel with a permit issued under § 678.4 is considered to be operating as a charter vessel when it carries a passenger who pays a fee or when there are more than three

persons aboard, including operator and crew.

Dealer means the person in the United States who first receives by way of purchase, barter, or trade, sharks harvested from the management unit.

Dress means to remove head, viscera, and fins, but does not include removal of the backbone, halving, quartering, or otherwise further reducing the carcass.

Drift gillnet, sometimes called a drift entanglement net or drift net, means a flat net, unattached to the ocean bottom, whether or not it is attached to a vessel, designed to be suspended vertically in the water to entangle the head or other body parts of a shark that attempts to pass through the meshes.

Eviscerate means removal of the alimentary organs only.

Fillet means to remove slices of fish flesh, of irregular size and shape, from the carcass by cuts made parallel to the backbone.

Headboat means a vessel that holds a valid Certificate of Inspection issued by the Coast Guard to carry passengers for hire. A headboat with a permit issued under § 678.4 is considered to be operating as a headboat when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

Landed or landing means to arrive at a dock, berth, beach, seawall, or ramp.

Large coastal species means any of the species, or a part thereof, listed in paragraph (1) of the definition of *management unit*.

Management unit means the following species in the Western North Atlantic Ocean including the Gulf of Mexico and the Caribbean Sea:

(1) Large coastal species:

Hammerhead sharks—Sphyrnidae
 Great hammerhead, *Sphyrna mokarran*
 Scalloped hammerhead, *Sphyrna lewini*
 Smooth hammerhead, *Sphyrna zygaena*
 Mackerel sharks—Lamnidae
 White shark, *Carcharodon carcharias*
 Nurse sharks—Ginglymostomatidae
 Nurse shark, *Ginglymostoma cirratum*
 Requiem sharks—Carcharhinidae
 Bignose shark, *Carcharhinus altimus*
 Blacktip shark, *Carcharhinus limbatus*
 Bull shark, *Carcharhinus leucas*
 Caribbean reek shark, *Carcharhinus perezi*
 Dusky shark, *Carcharhinus obscurus*

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Galapagos shark, *Carcharhinus galapagensis*
 Lemon shark, *Negaprion brevirostris*
 Narrowtooth shark, *Carcharhinus brachyurus*
 Night shark, *Carcharhinus signatus*
 Sandbar shark, *Carcharhinus plumbeus*
 Silky shark, *Carcharhinus falciformis*
 Spinner shark, *Carcharhinus brevipinna*
 Tiger shark, *Galeocerdo cuvieri*

(2) Small coastal species:

Angel sharks—Squatinae
 Atlantic angel shark, *Squatina dumerili*
 Hammerhead sharks—Sphyrnidae
 Bonnethead, *Sphyrna tiburo*
 Requiem sharks—Carcharhinidae
 Atlantic sharpnose shark, *Rhizoprionodon terraenovae*
 Blacknose shark, *Carcharhinus acronotus*
 Caribbean sharpnose shark, *Rhizoprionodon porosus*
 Finetooth shark, *Carcharhinus isodon*
 Smalltail shark, *Carcharhinus porosus*

(3) Pelagic species:

Cow sharks—Hexanchidae
 Bigeye sixgill shark, *Hexanchus vitulus*
 Sevengill shark, *Heptranchias perlo*
 Sixgill shark, *Hexanchus griseus*
 Mackerel sharks—Lamnidae
 Longfin mako, *Isurus paucus*
 Porbeagle shark, *Lamna nasus*
 Shortfin mako, *Isurus oxyrinchus*
 Requiem sharks—Carcharhinidae
 Blue shark, *Prionace glauca*
 Oceanic whitetip shark, *Carcharhinus longimanus*
 Thresher sharks—Alopiidae
 Bigeye thresher, *Alopias superciliosus*
 Thresher shark, *Alopias vulpinus*

(4) Prohibited species:

Basking sharks - Cetorhinidae
 Basking shark - *Cetorhinidae maximus*
 Mackerel sharks - Lamnidae
 White shark - *Carcharodon carcharias*
 Sand tiger sharks - Odontaspidae
 Bigeye sand tiger - *Odontaspis noronhai*
 Sand tiger - *Odontaspis taurus*
 Whale sharks - Rhincodontidae
 Whale shark - *Rhincodon typus*

Pelagic species means any of the species, or a part thereof, listed in paragraph (3) of the definition of *management unit*.

Regional Director means the Director, Southeast Region, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702; telephone 813-570-5301, or a designee.

Science and Research Director means the Science and Research Director, Southeast Fisheries Science Center, NMFS, 75 Virginia Beach Drive, Miami,

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FL 33149, telephone 305-361-5761, or a designee.

Shark means any of these species listed in the definition of the management unit, or a part thereof.

Shark tournament means any fishing competition involving sharks in which participants must register or otherwise enter or in which a prize or award is offered for catching a shark.

Small coastal species means any of the species, or a part thereof, listed in paragraph (2) of the definition of *management unit*.

Trip means a fishing trip, regardless of number of days duration, that begins with departure from a dock, berth, beach, seawall, or ramp and that terminates with return to a dock, berth, beach, seawall, or ramp.

Trip limit means the total allowable take from a single trip as defined in this section.

Weightout slip means the document provided by the person weighing the shark carcasses and fins to the owner or operator of a permitted vessel that records the weights of the shark carcasses and fins, prior to or as part of, a commercial transaction involving such shark carcasses and/or fins. Any document such as "tally slip," "trip ticket," or "sales receipt," that contains such information will be considered as a weightout slip.

[58 FR 21944, Apr. 26, 1993, as amended at 58 FR 68558, Dec. 28, 1993; 59 FR 52456, Oct. 18, 1994; 60 FR 35341, July 7, 1995; 62 FR 16655, Apr. 7, 1997]

§ 678.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraphs (b) and (c) of this section.

(b) In accordance with regulations issued under the Marine Mammal Protection Act of 1972, as amended, it may be unlawful for a commercial fishing vessel, a vessel owner, or a master or operator of a vessel to engage in a longline or gillnet shark fishery in the Atlantic Ocean (including the Gulf of Mexico and Caribbean Sea) unless the vessel owner or authorized representative has complied with specified requirements including, but not limited